

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ralf Wolleschensky, et al.

Application No. 10/057,571

Filed: January 24, 2002

Art Unit: 2877

Examiner: F. L. Evans

Atty. Docket No.: GK-ZEI-3151/  
500343.20152

Customer No.: 026148

METHOD FOR INVESTIGATING A  
SAMPLE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Alexandria, VA 22313

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98. Enclosed is Form PTO-1449 which lists the references being cited along with a copy of each of the references. Also, enclosed is a copy of the European Search Report for EPO Application No. 02 02 0864 which corresponds to the subject application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any document referred to as being attached or enclosed) is being

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transmitted by facsimile on [date] to the U.S. Patent and Trademark Office.

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The references may be deemed to be pertinent to the above-identified application and are being made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider each of the items and to independently ascertain their teaching.

1.  Enclosed is PTO Form 1449 (and a duplicate thereof).
2.  Items listed on the enclosed Form PTO-1449 are not in the English language.
  - For each of the following items, an English-language translation of that item or a portion thereof or a concise explanation of the relevance of that item is attached:
  - For each of the following items, a concise explanation of that item is incorporated in the specification of the above-identified application:
  - For each of the following items, a corresponding U.S. or other English-language patent is enclosed. Please consider the U.S. or other English-language patents in accordance with the procedure set forth in MPEP § 609:

3.  Submission in Accordance with 37 CFR § 1.98(d).

Any copy of the items listed on the enclosed Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in Application Serial No. [Ser. No.], filed [Date], of which the present application relies upon for an earlier filing date under 35 U.S.C. 120.

4.  Submission in Accordance with 37 CFR § 1.97(b).

This Information Disclosure Statement is being filed

- With the Request for Continued Examination (RCE) Transmittal
- Within three months of the filing date of a national application;
- Within three months of the date of entry of the national stage in an international application; or
- Before the mailing date of a first Office Action on the merits,

Information Disclosure Statement

Page No. 3

and NO FEE is due for consideration of this Information Disclosure Statement.

5.  **Submission in Accordance with 37 CFR 1.97(c).**

This Information Disclosure Statement is being filed before the first mailing date of either

- A final action under § 1.113; or
- A notice of allowance under § 1.311.
- A fee is due for consideration of this Information Disclosure Statement and the fee is paid below; or
- This Information Disclosure Statement is accompanied by one of the certifications pursuant to 37 CFR § 1.97(e), and NO FEE is due for consideration of this Information Disclosure Statement.

6.  **Submission in Accordance with 37 CFR 1.97(d).**

This Information Disclosure Statement is being filed after the mailing date of either

- A final action under § 1.113; or
- A notice of allowance under § 1.311,

whichever comes first, but before payment of the issue fee, and is accompanied by

- a. One of the certifications pursuant to 37 CFR § 1.97(e), which is set forth below;
- b. The attached petition requesting consideration of this Information Disclosure Statement; and
- c. The petition fee under 37 CFR § 1.17(i)(1), which is paid below.

7. **Certification Pursuant to 37 CFR 1.97(e).**

- The undersigned certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application not more than three months prior to the filing of this Information Disclosure Statement; or
- The undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or to my knowledge after making

Information Disclosure Statement

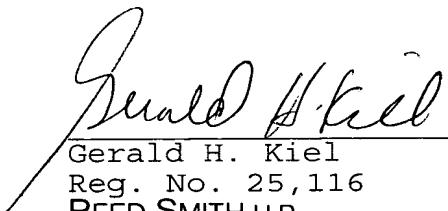
Page No. 4

reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

8. Fee Payment Being Made.

- Enclosed
- \$180.00 fee for submission under 37 CFR § 1.97(c).
- \$130.00 fee for submission under 37 CFR § 1.97(d).
- A check in the amount of \$ [Amount] to cover the fee payment is enclosed.
- Charge the fee to Deposit Account No. 50-1529. A duplicate copy of this communication is attached.
- The Director is hereby authorized to charge payment of any additional fees associated with this Information Disclosure Statement or credit any overpayment to Deposit Account No. 50-1529. A duplicate copy of this communication is enclosed.

Respectfully submitted,



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Attorney for Applicant



PTO/SB/08a (08-03)

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Substitute for form 1449A/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

Sheet 1 of 2 Attorney Docket Number GK-Zei-3151/500343.20152

Customer No.:	026414
Application Number	11/057,571
Filing Date	January 24, 2002
First Named Inventor	Ralf Wolleschensky
Art Unit	2877
Examiner Name	F. L. Evans
Attorney Docket Number	GK-Zei-3151/500343 20152

**U. S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

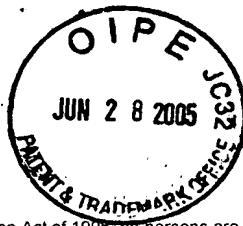
FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
		DE	100 38 526	A	02/28/2002	R. Wolleschensky, et al.	
		DE	198 29 981	A1	01/05/2000	S. Tille, et al.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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				<b>Complete if Known</b>	
Substitute for form 1449/PTO				Application Number	11/057,571
				Filing Date	January 24, 2002
				First Named Inventor	Ralf Wolleschensky
				Art Unit	2877
				Examiner Name	F. L. Evans
Sheet	2	of	2	Attorney Docket Number	GK-ZEI- 3151/500343.20152

<b>NON PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		LANSFORD R, et al., "Resolution of Multiple Green Fluorescent Protein Color Variants and Dyes Using Two-photon Microscopy and Imaging Spectroscopy", Journal of Biomedical Optics, SPIE, Bellingham, WA, US, BD 6, Nr. 3, July, 2001, Vol. 6 No. 3, pages 311-318, XP-001117891	✓
		YANG, M., et al., "Graphical User Interface for Single-Pixel Spectroscopy", Biotechnology et alia, Sept. 8, 2000, pages 1-8, XP-002186905	✓
		YOUVAN, et al., "Fluorescence Imaging Micro-Spectrophotometer (FIMS)", Biotechnology et alia, 1997, Kairos Scientific Inc., pages 1-16, XP-002186906	✓
		ROBINSON L, et al., "Confocal Microscopes Probe Biological Specimens", Laser Focus World, May, 1994, Tulsa, US, pages 1-4, XP-002173906	✓

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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